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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91182996
Party	Defendant K.U.M. Hair Care Products, Inc.
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Submission	Opposition/Response to Motion
Filer's Name	Dennis M. Moskal
Filer's e-mail	dennis.moskal@zegarelli.com
Signature	/Dennis M. Moskal/
Date	06/26/2008
Attachments	Response to Motion to Strike 062608.pdf ( 3 pages )(85904 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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TRADITIONAL MEDICINALS, INC.,

Opposer,

v.

K.U.M. HAIR CARE PRODUCTS, INC.,

Applicant.  
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SERIAL NO. 77/004667

OPPOSITION NO. 91182996

MARK: **SMOOTH MOVES**

**RESPONSE TO MOTION TO STRIKE DISCOVERY**

1. Admitted with the qualification that the Board's March 14, 2008 Order set an initial disclosure date based upon the presumption that a valid Notice of Opposition was filed. Opposer's Notice of Opposition was not a valid Notice of Opposition, hence, Opposer's need to file a motion to correct, to which Applicant intends to respond by week's end. Thus, Opposer's argument that Applicant is late in serving Initial Disclosures is misleading and disingenuous. If a valid Notice of Opposition was filed, the deadline would be June 22, 2008; however, since one was not, the equities favor that the deadline should be changed.

2. Admitted with the qualification that, in the event that the Board allows Opposer to file a corrected Notice of Opposition, which is emphatically opposed, the correct remedy is not striking the discovery, but rather staying it until Initial Disclosures are made.

3. Admitted with the qualification that, under the circumstances existing, there does not need to be one.

4. Admitted.

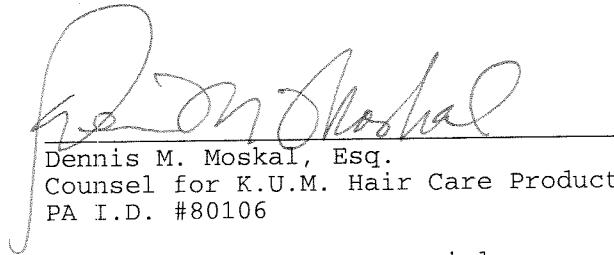
5. Admitted in part and denied in part. Admitted that Applicant has not made the disclosures; denied that Applicant's duty to do so has been triggered in that the schedule is triggered by and follows from the filing of a valid Notice of Opposition. If the Notice of Opposition is erroneously filed or invalid, it follows that Applicant's duty to provide disclosures has not been triggered.

6. Admitted that the undersigned did not respond to the one e-mail.

7. Denied for the reasons set forth above.

WHEREFORE, Applicant requests that the relief requested by Opposer be denied.

Dated: June 26, 2008



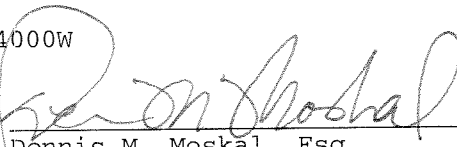
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**CERTIFICATE OF SERVICE**

I hereby certify that Applicant's Response to Motion to Strike was forwarded to opposer's attorney on June 26, 2008 via first class mail to the following address:

Jay H. Geller, Esq.  
2425 Olympic Building, Suite 4000W  
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Dennis M. Moskal, Esq.

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